

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK DISTRICT COUNCIL OF :
CARPENTERS PENSION FUND, NEW YORK CITY :
DISTRICT COUNCIL OF CARPENTERS WELFARE :
FUND, NEW YORK CITY DISTRICT COUNCIL OF :
CARPENTERS VACATION FUND, NEW YORK :
CITY DISTRICT COUNCIL OF CARPENTERS :
ANNUITY FUND, NEW YORK CITY DISTRICT :
COUNCIL OF CARPENTERS APPRENTICESHIP, :
JOURNEYMEN RETRAINING, EDUCATIONAL :
AND INDUSTRY FUND, NEW YORK CITY :
DISTRICT COUNCIL OF CARPENTERS CHARITY :
FUND, by their Trustees Michael J. Forde and Paul :
O'Brien, and NEW YORK CITY AND VICINITY :
CARPENTERS LABOR-MANAGEMENT :
CORPORATION, :

Plaintiffs, :

-against- :

PITCOHN CONSTRUCTION ENTERPRISES, INC. :
AND GERARD MCENTREE, :

Defendants. :
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ANSWER

06 Civ. 6531 (Sand, J.)

The Defendants, Pitcohn Construction Enterprises, Inc. and Gerard McEntree, by its attorneys, Kaufman Dolowich Schneider Bianco & Voluck, LLP, as and for its Answer to the subject Complaint, sets forth the following:

1. Defendants neither admit nor deny the allegations set forth in Paragraph "1" of the Complaint, as they are not allegations of fact, but rather a prayer for relief.
2. Defendants neither admit nor deny the allegations set forth in Paragraph "2" of the Complaint, as they are not allegations of fact, but conclusions of law.
3. Defendants neither admit nor deny the allegations set forth in Paragraph "3" of the Complaint, as they are not allegations of fact, but conclusions of law.

4. Defendants neither admit nor deny the allegations set forth in Paragraph “4” of the Complaint, as they are not allegations of fact, but conclusions of law.

5. Defendants neither admit nor deny the allegations set forth in Paragraph “5” of the Complaint, as they are not allegations of fact, but conclusions of law.

6. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph “6” of the Complaint.

7. Defendants neither admit nor deny the allegations set forth in Paragraph “7” of the Complaint, as they are not allegations of fact, but conclusions of law.

8. Defendants neither admit nor deny the allegations set forth in Paragraph “8” of the Complaint, as they are not allegations of fact, but conclusions of law.

9. Defendants admit the allegations set forth in Paragraph “9” of the Complaint.

AS AND FOR DEFENDANTS’ RESPONSE TO PLAINTIFF’S

FIRST CAUSE OF ACTION

10. Defendants neither admit nor deny the allegations set forth in Paragraph “10” of the Complaint but rather refer to the document referenced therein.

11. Defendants neither admit nor deny the allegations set forth in Paragraph “11” of the Complaint but rather refer to the document referenced therein.

12. Defendants neither admit nor deny the allegations set forth in Paragraph “12” of the Complaint but rather refer to the document referenced therein.

13. Defendants neither admit nor deny the allegations set forth in Paragraph “13” of the Complaint but rather refer to the document referenced therein.

14. Defendants neither admit nor deny the allegations set forth in Paragraph “14” of the Complaint but rather refer to the document referenced therein.

15. Defendants neither admit nor deny the allegations set forth in Paragraph “15” of the Complaint but rather refer to the document referenced therein.

16. Defendants neither admit nor deny the allegations set forth in Paragraph “16” of the Complaint but rather refer to the document referenced therein.

17. Defendants neither admit nor deny the allegations set forth in Paragraph “17” of the Complaint but rather refer to the document referenced therein.

18. Defendants deny the allegations set forth in Paragraph “18” of the Complaint.

19. Defendants neither admit nor deny the allegations set forth in Paragraph “19” of the Complaint but rather refer to the document referenced therein.

20. Defendants neither admit nor deny the allegations set forth in Paragraph “20” of the Complaint but rather refer to the document referenced therein.

21. Defendants neither admit nor deny the allegations set forth in Paragraph “21” of the Complaint but rather refer to the document referenced therein.

22. Defendants neither admit nor deny the allegations set forth in Paragraph “22” of the Complaint, as they are not allegations of fact, but conclusions of law.

23. Defendants deny the allegations set forth in Paragraph “23” of the Complaint.

24. Defendants deny the allegations set forth in Paragraph “24” of the Complaint.

AS AND FOR DEFENDANTS' RESPONSE TO PLAINTIFF'S

SECOND CAUSE OF ACTION

25. In response to Paragraph "25" of the Complaint, Defendants repeat, reiterate and reallege each and every response contained in Paragraphs "1" through "24" of the Defendants' Answer.

26. Defendants deny the allegations set forth in Paragraph "26" of the Complaint.

27. Defendants deny the allegations set forth in Paragraph "27" of the Complaint.

28. Defendants deny the allegations set forth in Paragraph "28" of the Complaint.

29. Defendants deny the allegations set forth in Paragraph "29" of the Complaint.

30. Defendants deny the allegations set forth in Paragraph "30" of the Complaint.

31. Defendants deny the allegations set forth in Paragraph "31" of the Complaint.

32. Defendants deny knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph "32" of the Complaint.

33. Defendants neither admit nor deny the allegations set forth in Paragraph "33" of the Complaint but rather refer to the document referenced therein.

34. Defendants deny the allegations set forth in Paragraph "34" of the Complaint.

35. Defendants deny the allegations set forth in Paragraph "35" of the Complaint.

36. Defendants deny the allegations set forth in Paragraph "36" of the Complaint.

37. Defendants deny the allegations set forth in Paragraph "37" of the Complaint.

38. Defendants deny the allegations set forth in Paragraph "38" of the Complaint.

AS AND FOR DEFENDANTS' RESPONSE TO PLAINTIFF'S

THIRD CAUSE OF ACTION

39. In response to Paragraph "39" of the Complaint, Defendants repeat, reiterate and reallege each and every response contained in Paragraphs "1" through "38" of the Defendants' Answer.

40. Defendants deny the allegations set forth in Paragraph "40" of the Complaint.

41. Defendants deny the allegations set forth in Paragraph "41" of the Complaint.

42. Defendants deny the allegations set forth in Paragraph "42" of the Complaint.

AS AND FOR DEFENDANTS' FIRST AFFIRMATIVE DEFENSE

43. Plaintiffs' action is barred by the doctrine of payment, partial or whole.

AS AND FOR DEFENDANTS' SECOND AFFIRMATIVE DEFENSE

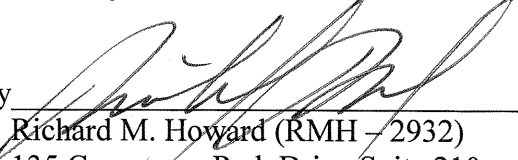
44. Plaintiffs' action is barred by the statute of limitations.

WHEREFORE, it is respectfully requested that the Complaint be dismissed in its entirety, with prejudice, and that the Defendants be awarded such other and further relief as this Court deems just and proper.

Dated: Woodbury, New York
November 30, 2006

Kaufman Dolowich Schneider Bianco &
Voluck LLP
Attorneys for Defendants

By


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK }
 } ss.:
COUNTY OF NASSAU }

Roseann Kennedy, being duly sworn, deposes and says.

That Deponent is not a party to this action, is over 18 years of age and resides at Elmont, New York.

That on the 30th day of November, 2006, Deponent served the within Answer to Plaintiffs' Complaint upon:

Andrew Grabojs, Esq.
O'Dwyer & Bernstein, LLP
52 Duane Street
New York, NY 10007

AFFIDAVIT OF
SERVICE

: 06 Civ. 6531 (Sand, J.)

by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in a post-office/official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Roseann Kennedy
Roseann Kennedy

Sworn to before me this
30th day of November, 2006

[Signature]
Notary Public

